

# EXHIBIT A

**EXHIBIT A**

JOSIE DELVIN  
BENTON COUNTY CLERK

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

Matthew Allen Sterba, and Keely  
Sterba, and their marital community,

Plaintiffs,

vs.

Battelle Memorial Institute, dba  
Pacific Northwest National  
Laboratory,

Defendant.

Case No.: 22-2-01969-03

COMPLAINT

1. Plaintiff Matthew Allen Sterba is an adult, married, man residing in Benton County, Washington. He is married to Plaintiff Keely Sterba, also residing in Benton County, Washington.

2. Defendant Battelle Memorial Institute (BMI) is a nonprofit corporation doing business in Benton County, Washington, and does business as Pacific Northwest National

1 Laboratory.

2 3. Plaintiff Matthew Sterba has been employed by Defendant since 2005. His last  
3 position held was as Information Technology Engineer.

4 4. In March of 2020, Plaintiff Matthew Sterba, as a result of COVID-19 safety protocols,  
5 from the beginning of the COVID-19 pandemic, was directed and/or allowed by  
6 Defendant to work remotely, away from the Defendant's campus.

7 5. Plaintiff was able to perform all of the essential functions of his employment by  
8 working remotely.

9 6. In September of 2021, Defendant mandated that Plaintiff Matthew Sterba submit to  
10 vaccination for COVID-19 as a condition of his employment with Defendant. Defendant  
11 provided a procedure to request exemption in case of religious beliefs that conflicted with  
12 the vaccine requirement, and to request accommodation in the event Defendant recognize  
13 an exemption.

14 7. Plaintiff Matthew Sterba, on or about September 30<sup>th</sup>, 2021, submitted a request for  
15 exemption from the COVID-19 based on his religious beliefs, and provided sufficient  
16 information, both in writing and orally to support a bona fide request under Washington  
17 State Constitution, Art. I, §11.

18 8. On or about November 10<sup>th</sup>, 2021, Defendant denied Plaintiff Matthew Sterba's  
19 request for an exemption on the basis that Plaintiff Matthew Sterba had not provided an  
20 adequate basis to support a religious belief as a reason to exempt Plaintiff Matthew  
21

1 Sterba from the vaccine requirement. Defendant did not reach the issue of whether an  
2 exemption from the vaccine could be accommodated by allowing Plaintiff to continue  
3 working remotely. An internal appeal process was provided and following that process,  
4 the Defendant, on or about November 16<sup>th</sup>, 2021 upheld the decision to not permit an  
5 exemption to the vaccine requirement to Plaintiff Matthew Sterba and gave him 72 hours  
6 to resign, become vaccinated or be placed on unpaid leave.  
7

8 9. Had Defendant recognized an exemption from the vaccine requirement for Plaintiff  
9 Matthew Sterba, Defendant would have been able to readily accommodate said  
10 exemption by continuing to permit Plaintiff to work remotely as he had for the entirety of  
11 the pandemic up to that time. No undue hardship for Defendant existed to allow Plaintiff  
12 Matthew Sterba to have continued to work remotely.

13 10. On or about November 19<sup>th</sup>, 2021, Defendant placed Plaintiff Matthew Sterba on  
14 “unpaid leave” because of his refusal to violate his religious beliefs by submitting to a  
15 vaccine and because of his refusal to resign and Plaintiff Matthew Sterba has remained in  
16 that status to the present time.  
17

18 11. Defendant’s actions violate Plaintiff’s rights under Washington State Constitution,  
19 Art. I, §11, as protected by RCW 49.60.180 (2), (3), the Washington Law against  
20 discrimination, by placing him on unpaid leave and discriminating against him based on  
21 his religious beliefs. Defendant discriminated against Plaintiff Matthew Sterba by not  
22 recognizing his religious beliefs and by refusing to then even consider accommodating  
23

1 his religious beliefs in the terms of his employments, such as by allowing him to work  
2 remotely.

3 12. The fact that Plaintiff Matthew Sterba was already in a status of working from home  
4 remotely prior to the imposition of a vaccine requirement yet Defendant refused to allow  
5 the status quo as an accommodation is evidence of reckless indifference or intentional  
6 violation by Defendant of Plaintiff Matthew Sterba's right to be free from discrimination  
7 or disparate impact based on his religious beliefs.

8 13. Plaintiff Matthew Sterba and his wife, Plaintiff Keely Sterba and their marital  
9 community have been directly caused damages by the actions of Defendant set forth  
10 herein in the form of lost income and employment benefits such as, but not limited to,  
11 health insurance benefits.

12 14. Plaintiff Matthew Sterba has been caused emotional distress by the actions of  
13 Defendant alleged herein.

14 Wherefore, Plaintiff prays for the following relief:

15 1. Judgment against Defendant for his lost income and benefits in favor of both Plaintiffs  
16 and their marital community.

17 2. Judgment against Defendant for emotional distress, mental anguish, loss of enjoyment  
18 of life and other general damages in favor of Plaintiff Matthew Sterba.

19 3. For his costs and his attorney fees pursuant to 49.60.030, RCW 49.48.030 and RCW  
20 Chap. 4.84.

1 4. For such other relief as allowed by law and equity.  
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4  
5 Dated this 21<sup>st</sup> day of November, 2022

*William Edelblute*

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7 William Edelblute

8 Attorney for Plaintiff WSBA 13808  
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